

**USDC-SDNY  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,  
  
Plaintiffs,  
  
v.  
  
NIGEL LIVINGSTON,  
  
Defendants.

No. 21-CR-558 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

Sentencing in this matter is scheduled for October 6, 2022 at 2:30 p.m.

By 3:00 p.m. on October 5, 2022, the parties shall advise the Court whether there are any facts in dispute requiring a hearing regarding the following issues:

- (1) Whether the firearm was stolen such that U.S.S.G. § 2K2.1(b)(4)(A) would apply;
- (2) Whether Mr. Livingston used or possessed the firearm in connection with another federal offense such that U.S.S.G. § 2K2.1(b)(6)(B) would apply; and
- (3) Whether Mr. Livingston did indeed threaten the employee of the dry cleaner, or brandish or intentionally display the firearm.

Mr. Livingston shall also respond to the Government's assertion that the Probation Office failed to account for his September 26, 2007 parole violation in calculating his criminal history category.

SO ORDERED.

Dated: October 4, 2022  
New York, New York



Ronnie Abrams  
United States District Judge